



Re: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-
NY_FL_PA_CLIENT_WORK.FID31458]

From Shawn Allyn <sallyn@allynandball.com>

Date Fri 10/24/2025 2:35 PM

To Danielle Karcich <DKarcich@londonfischer.com>

Cc jeanne liddy <liddylaw2005@yahoo.com>; Jacqueline Promislo <jpromislo@londonfischer.com>; John McDonough <jmcdonough@londonfischer.com>; Douglas Melamed <DMelamed@bankerlopez.com>

Since you were not at hearing and you are not counsel, counsel including atty mcdoungh can respond next week.

I will not return to office until Thursday but the attorneys demanded twice for dates to "go back to chambers" yesterday. We provided them and are holding dates.

This email completely contradicts what the Attys emailed all day yesterday.

This is why counsel should send emails to their staff and not ask me to do the same.

Since the dates are being moved, I see no emergency.

We were obligated to comply with the local rule when dates were being demanded to go back less than 24 hours after the hearing.

Thank you and have a nice weekend.

/s/ Shawn P. Allyn

Shawn P. Allyn
Allyn & Ball, P.C.
57 Suffolk Street
Suite 200
Holyoke, MA 01040
Tel: 413-538-7118
Fax: 413 -538-6199

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Exhibit 1- 0001

On Oct 24, 2025, at 2:16 PM, Danielle Karcich <DKarcich@londonfischer.com> wrote:

Shawn,

I am responding for Jackie, who is out of the office today and has limited Wi-Fi. It appears that in response to Jackie's October 23rd 3:41 pm email, Jeanne responded only to Jackie. As Jackie has requested many times, please copy me on all correspondence in this matter.

We are preparing additional examples of Plaintiffs' deficiencies, which will be provided on Monday, so that we can schedule a meet and confer prior to requesting dates for the completion of the hearing with the Court. The Court also required us to meet and confer to discuss the additional amount of time necessary to complete discovery before contacting chambers for the Court's availability. We will provide available times next Thursday and Friday for our meet and confer.

Best,
Danielle

Danielle M. Karcich (she/her)
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From: Jacqueline Promislo <JPromislo@londonfischer.com>
Sent: Friday, October 24, 2025 1:13 PM
To: Danielle Karcich <DKarcich@londonfischer.com>
Subject: Fw: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

From: Shawn Allyn <sallyn@allynandball.com>
Sent: Friday, October 24, 2025 12:19 PM
To: Jacqueline Promislo <JPromislo@londonfischer.com>; Douglas Melamed <dmelamed@bankerlopez.com>; John McDonough <JMcDonough@londonfischer.com>
Cc: jeanne liddy <liddylaw2005@yahoo.com>

Exhibit 1- 0002

Subject: Fw: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

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This email originated from outside of our organization. Do not click any links or open any attachments unless you recognize the sender and know the content is safe.

Dear Attorney Promislo:

I note that you began deleting me from emails listed below.

In any event, have you selected dates that work for you to report to the Court has you demanded yesterday.

I would like obtain dates to have Plaintiff's Motion to Compel and Sanctions heard on the failure to provide any documents. The dates provided were for ZOOM only as allowed by the judge after I requested it.

In addition, the Judge instructed us to confer with Chambers on available trial dates in order to hold a proper conference to either agree on dates or each party submit their own proposals from those available trial dates.

My understanding from your emails is that you are not provided the ESI data as ordered by the Court at the conclusion of the hearing - in order to then have a good faith meet and confer as ordered by the Court.

- A. Location in ESI where you allege contents of emails that were missing
- B. Location in ESI that you allege were in prior production but not in the current production.
- C. Your issues that you allege are deficient and the exact locations with the spousal privilege log
- D. Location of the Voice Notes that you claim are deficient
- E. Location in ESI of any messages you claim are deficient

If you are not going to send the data as ordered, Plaintiffs's positon that such issue are waived and the remainder of the Motion not ruled upon should denied.

Please know I have out of state Sunday-Wednesday next week on an unrelated matter. Attorney Liddy is also unavailable.

Thank you.

/s/ Shawn P. Allyn

Shawn P. Allyn

Allyn & Ball, P.C.

Exhibit 1- 0003

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From: jeanne liddy <liddylaw2005@yahoo.com>
Sent: Friday, October 24, 2025 12:00 PM
To: Shawn Allyn <sallyn@allynandball.com>
Subject: Fw: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

----- Forwarded Message -----

From: Jacqueline Promislo <jpromislo@londonfischer.com>
To: jeanne liddy <liddylaw2005@yahoo.com>
Sent: Thursday, October 23, 2025 at 03:57:02 PM EDT
Subject: RE: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

Jeanne,

The TABS are the examples. You did not explain them to the court or to us. We gave these as examples of each of the deficiencies and will provide with others per my email earlier today. You still have not responded to the substance of my request- you advised the judge you needed to go yesterday before explaining the voice memos. Please do. We look forward to a substantive response.

We will renote the issue of destructive testing with the court as you had agreed and did not raise it with the court yesterday. We will also address with the court your tag teaming which the Judge also requested you refrain from.

Jackie

Jacqueline Promislo
Managing Partner, Philadelphia

Exhibit 1- 0004

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From: jeanne liddy <liddylaw2005@yahoo.com>

Sent: Thursday, October 23, 2025 3:49 PM

To: Jacqueline Promislo <JPromislo@londonfischer.com>

Subject: Re: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

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Jackie:

It is clear you are not going to comply with the order of the court and confer in good faith - here are three dates for you for any issues you bring to chambers to be ZOOM ONLY - October 30 2-4pm, October 31 9-4, November 4 9-2.

- re: testing: we need to confirm with gusar/pro se that they do not want to be present with destructive testing since they are a party. We do not want to pay twice.

- re: data: the judge ordered you to provide examples for your tabs. You are misrepresenting the precepts of the confer.

Jeanne & Shawn

On Thursday, October 23, 2025 at 03:41:44 PM EDT, Jacqueline Promislo <jpromislo@londonfischer.com> wrote:

Shawn,

I would not need to write so many emails if you could simply respond to the issues raised rather than complain about irrelevant things and misstate facts-

Do the dates proposed work as my experts are holding them? They did not hold two full weeks nor did I.

Gusar's counsel advised that they will not retain new counsel and that is not a reason to delay testing.

There is no stay of discovery and while we will likely request, we have requested to do testing. Just confirm dates. Nothing frantic – just defending Wayfair who has a right to test. If you will not agree to allow Wayfair to do the destructive testing we will advise the judge.

We have provided examples in the Tabs attached to our filing. Please provide explanations for these and the voice memos as we were trying to address with the court when you both announced you needed to leave. I said we will provide additional examples.

Your empty responses with no substantive information in response and instead complaining only are frustrating.

A substantive response on testing and explanation for each of the examples provided to you and the court, none of which Ms. Liddy explained to Judge Elfenbein, would be appreciated so that we can review, and then schedule a meet and confer.

Jackie

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From: Shawn Allyn <sallyn@allynandball.com>

Sent: Thursday, October 23, 2025 2:18 PM

To: Jacqueline Promislo <JPromislo@londonfischer.com>

Cc: jeanne liddy <liddylaw2005@yahoo.com>; Danielle Karcich <DKarcich@londonfischer.com>; Douglas Melamed <DMelamed@bankerlopez.com>; John McDonough <JMcDonough@londonfischer.com>

Subject: Re: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

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Dear Atty Promislo:

This is your 6th email today on this case and your chronic daily communications need to cease.

You do not engage in professional or collegial communications. I have repeatedly addressed this with as did Doug.

As to destructive testing, you provided a 2 weeks block less than 5 days ago. Early in the week, you demanded 2 days take it or leave it.

You are frantic with this case:

- (1) you are demanding a stay of all discovery immediately;
- (2). You moved for more time yesterday;
- (3) Gusar right now has no counsel until it is verified who they will have going forward.

Given all of the above, plaintiff only wants to send their expert once for testing - who you know is in California and Gusar would have a right to be present.

My suggestion is we wait to see of Gusar will have counsel and confer - as ordered.

Since we all agree the dates will be moved, there is no immediate rush setting aside last January you referenced this testing to the judge and have done nothing for 9 months relative to it.

You were ordered yesterday to provide the data to have a meet and confer on the record.

You simply do not want to resolve the issue.

You say you will and again threaten to go to Chambers and request sanction.

I can provide you with three dates since you simply won't cooperate and do what was asked by the Court less than 24 hours ago.

Your daily and chronic contact must stop.

Here is a portion of Doug's email provided because you misrepresent what he said:

You **all** need to hit the reset button on how you are communicating with each other because I've seen more nasty and belligerent tones in all of your emails the past few months than I have seen in the past 20 years. Learn to deal with each other civilly. And if you all have nothing nice to say, then just set forth your position, your objection, ask for a remedy, and if not agreed to, then ask for a hearing. It really is not hard to write your position out and be professional about it. This is getting way out of control and needs to stop.

On another note, I am sorry to hear you are dealing with ill/elderly family members.

Best,

/s/ Shawn P. Allyn

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On Oct 23, 2025, at 1:57 PM, Jacqueline Promislo <jpromislo@londonfischer.com> wrote:

Jeanne,

Actually Doug made it quite clear he was addressing your conduct and Shawn's conduct.

Once again, rather than provide a response to our request for testing, which should not be exhausting to schedule, you provide no confirmation. Your tactics of responding and providing insults and no actual substantive information as required by the Rules and the Court will be discussed with the Court.

The examples to each and every one of the deficiencies identified below are in the Tabs as numbered and provided to you when filed with the Court.

If you choose not to respond prior to the meet and confer, we will advise the court when we reconvene the hearing and again request sanctions for your dilatory behavior.

Jackie
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From: jeanne liddy <liddylaw2005@yahoo.com>

Sent: Thursday, October 23, 2025 1:52 PM

To: Jacqueline Promislo <JPromislo@londonfischer.com>

Cc: Shawn Allyn <sallyn@allynandball.com>

Subject: Re: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

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Jackie:

This is our last email today. You represented for two hours at Court you had all these examples. The Court ordered you to provide them first for a meaningful meet and confer. If you want to go to the judge to not provide what you were ordered to do, let us know if that is your position and we can provide three dates. The judge did not order us to rewrite any thing.

As an aside, Doug addressed your demeanor towards opposing counsel. Which continues.

Regards, \

Jeanne

On Thursday, October 23, 2025 at 01:45:07 PM EDT, Jacqueline Promislo <jpromislo@londonfischer.com> wrote:

Jeanne,

As Judge Elfenbein advised yesterday, and as Gusar's counsel previously advised, your tag teaming inconsistent messaging with Shawn is not at all productive and serves to only confuse your position and the record. Additionally, and before you sent the below email, Doug Melamed emailed advising that he is withdrawing and that **Gusar will not have new counsel.** You and Shawn failed to mention this yesterday to provide us with the opportunity to address this with the Court. **If you do not agree to the destructive testing on one of two dates provided, we will relist this for hearing with the Court.** Plaintiffs' continuing delays are unacceptable and prejudicial to Wayfair. **We will seek all remedies available should Plaintiffs continue to delay the requested testing.**

With respect to the Plaintiffs' insufficient production, please provide to us in writing:

- 1- an explanation of the tags (examples provided to court for drinking and first responders) and how these possibly match up as no explanation was provided to the court yesterday, or to us at any time.
- 2- an explanation of how the examples of the out of context messages we provided to the Court as examples were searched and provided in context, as you showed the Court an example of how you made efforts to produce one term in context, but never ever addressed our examples of many messages not in context.
- 3- an explanation and example of where the voice memos produced can be identified by the sender, recipient and time, as well as which text message they would be attached to as they are not active links in the actual link where we have seen the reference to the voice memos.
- 4- emails- where are the content of the emails? These were promised to us during the May 22 hearing yet none have been provided to date.

There are other deficiencies we would like you to address as well, but please begin by providing us with the above so that we are thoroughly prepared for a meet and confer.

Once again, I am adding Danielle Karcich, Esq. to my response as you have again omitted her from yours. While you are working on providing the above to us, we will collect and provide you with other examples such as previously produced communications which are missing from your production.
Thank you for your anticipated cooperation.

Jackie

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From: jeanne liddy <liddylaw2005@yahoo.com>
Sent: Thursday, October 23, 2025 1:28 PM
To: Shawn Allyn <sallyn@allynandball.com>; Jacqueline Promislo <JPromislo@londonfischer.com>
Cc: John McDonough <JMcDonough@londonfischer.com>; Douglas B. Melamed Esq. <dmelamed@bankerlopez.com>
Subject: Re: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED [IMAN-NY_FL_PA_CLIENT_WORK.FID31458]

**** External Email ****
Exhibit 1- 0010

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Jackie:

Now that Doug is out of the case, we are awaiting new counsel for Gusar to discuss all issues. We do NOT want your self- imposed deadlines and will not respond to these.

Please comply with the courts order from yesterday and get us the discovery data outlined by the court for a meaningful confer. We can then schedule a confer after receiving the data per the court.

Until we receive this material per the courts order and learn of Gusar's counsel, we will not be able to confer.

Jeanne & Shawn

On Thursday, October 23, 2025 at 01:05:44 PM EDT, Jacqueline Promislo <jpromislo@londonfischer.com> wrote:

Shawn and Jeanne,

Please respond to the below email sent to you on October 20th and providing two dates our experts are available for the agreed to destructive testing. They are holding these dates through tomorrow, so we will need a confirmation from you before that time. Please also advise whether your expert took the evidence with him, and, if so, we expect he will bring it to the Exponent Lab for testing. If it is at the Plaintiffs' home, please advise so we can coordinate its transport to the Exponent Lab. Thank you,

Jackie

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From: Jacqueline Promislo
Sent: Monday, October 20, 2025 5:38 PM
To: jeanne liddy <liddylaw2005@yahoo.com>; Shawn Allyn <sallyn@allynandball.com>
Cc: John McDonough <JMcDonough@londonfischer.com>; Danielle Karcich <DKarcich@londonfischer.com>; Douglas B. Melamed Esq. <dmelamed@bankerlopez.com>
Subject: HOMINSKI: CONFIRMATION OF TESTING OF EVIDENCE PER PROTOCOL PROVIDED

Shawn and Jeanne,

I am writing to confirm the parties' agreement that Wayfair's experts will conduct testing of the evidence, including the fire pit, the container of isopropyl alcohol, the isopropyl alcohol and the dress at the Exponent Lab located in Bowie, Maryland. Our experts are available on December 4 or December 10. Please confirm which of those dates is preferred. Please also advise where the evidence is located at this time. If Plaintiffs' expert retained the evidence after the inspection at the Plaintiffs' residence, it would then be Plaintiffs' responsibility to transport it to the Exponent Lab. Please let us know before the hearing on October 22.

Jackie

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